

HOUSE BILL 3416

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 2, Part 2 and Title 49, Chapter 5, Part 4,  
relative to employment of school personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-202(a), is amended by adding the following language as new subdivision (3) and by renumbering subsequent subdivisions accordingly:

(3) No person shall be eligible to be elected to serve on the board after September 1, 2012, if the person has a relative employed by the LEA. As used in this subdivision (a)(3), "relative" means parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 5, Part 4, is amended by adding the following language as a new, appropriately designated section:

49-5-4\_\_\_\_.

(a) As used in this section, unless the context otherwise requires:

(1) "Licensed employee" means a teacher or other employee of an LEA whose job qualifications for employment require possession of a certificate or license; and

(2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.

(b) No relative of a director of schools shall be an employee of the LEA; except:

(1) A relative who was a licensed employee of the LEA for at least three (3) school years prior to the director being hired and who is qualified for the position the employee holds may continue to be employed by the LEA;

(2) A person who is not the director's spouse and who was a licensed employee of the LEA for at least three (3) school years before becoming a relative of the director by marriage and who is qualified for the position the employee holds may continue to be employed by the LEA after becoming a relative of the director; and

(3) A director's spouse who has at least ten (10) years of service in school districts may be an employee of the LEA, but the spouse shall not hold a position in which the spouse supervises licensed employees. A director's spouse may supervise teacher aides and student teachers.

(c) A director's relative who is employed under one of the exceptions in subsection (b) shall not be promoted during the time the director is in office.

(d) An LEA shall not employ a relative of a member of the LEA's board of education, unless, on July 1, 2012, the board member is serving on the board of education, the board member's relative is an employee of the LEA and the relative was not initially hired by the LEA during the tenure of the board member. A relative employed during the 2011-2012 school year and initially hired during the tenure of a board member serving on July 1, 2012, may continue to be employed during the remainder of the board member's term. A school board

member's relative who continues employment under an exception pursuant to this subsection (d) shall not be promoted during the time the school board member is in office.

(e) No principal's relative shall be employed in the principal's school; except:

(1) A relative who is not the principal's spouse and who is employed in the principal's school during the 2011-2012 school year may continue to be employed in the principal's school; and

(2) A principal's spouse shall not be employed in the principal's school; except a principal's spouse may be continue to be employed in the principal's school if the spouse is employed in the principal's school during the 2011-2012 school year and there is no position for which the spouse is licensed to fill in another school in the LEA. If a principal's spouse is employed in the principal's school, then the spouse shall be evaluated by a school administrator other than the principal.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.